

**WAUKESHA COUNTY
MINUTES OF THE PARK AND PLANNING COMMISSION
THURSDAY, JULY 22, 2004, 1:00 P.M.**

CALL TO ORDER

Betty Willert, Chairperson, called the meeting to order at 1:00 p.m.

Commission

Members Present:	Betty Willert, Chairperson	Pat Haukohl	Bob Hamilton (Alternate)
	Ellen Gennrich	Walter Kolb	Walter Baade

Commission

Members Absent: Mareth Kipp

Staff

Members Present: Richard L. Mace, Planning and Zoning Manager
Kathy Moore, Senior Planner
Alan Barrows, Senior Conservation Specialist
Kathy Brady, Support Staff Supervisor

Guests Present:	Barb Pinter	Joan Wenzel	Tim Peterson
	Jim Downing	Jerry Gean	Erin Waldren
	John Stigler		

PUBLIC COMMENT

Chairperson Willert asked if anyone from the audience wished to address the Commission? There being no one, she moved to the next item on the agenda.

• **ZT-1537 (GSG Contractors) Town of Summit, Section 18 (A-1 Agricultural District to the R-1 Estate Residential District)**

Mr. Mace presented the "Staff Report and Recommendation" dated July 22, 2004, and made a part of these Minutes. He pointed out the location of the property on the aerial photograph.

Mr. Mace indicated the property is located on the west side of Golden Lake Road, south of Valley Road in the Town of Summit. The proposed land use is for 27 residential lots, approximately one acre in size each. Mrs. Gennrich asked about the soils and high water table on the site? Mr. Mace replied, the site contains approximately 70% to 80% of hydric soils, which indicates that groundwater table conditions exist at the surface or at shallow levels and suggest that groundwater, over a period of time will be a serious problem for basements. Mrs. Gennrich asked why the land is not considered a wetland? Mr. Mace responded, "It probably would have been if it had not been artificially drained, and if it was not plowed and tilled every year it may revert back to a wetland." Mrs. Haukohl asked what would satisfy the staff in order to approve the rezoning? Mr. Mace answered, the best solution would be a group sanitation system, however, the proposed A+4 systems are legal systems. He further explained, the County's Ordinance does not allow basements to extend into the groundwater and feels the Town's Ordinance is insufficient. Basements can be at or above the groundwater surface. Ms. Moore, Senior Planner, cautioned that if sump pumps were constantly being used, the water would tend to go to the road ditches and undercut the road.

Mr. Mace said the project could work, but he is not supportive of the present proposed Town Ordinance. In particular, Condition No. 8 where "basements" and "first floor" are not adequately defined. Ms. Moore mentioned the Town's Ordinance states the grading limits allow grading 20' from the house foundation. Mr. Mace further explained if the homes were to be elevated 6' to 8' above the natural ground surface and grading can only occur within 20' as the Ordinance requires, you would not be able

to get a 4:1 slope as required in the Town's Ordinance. Mrs. Gennrich commented that homes could be built without basements. Mr. Mace said it is an option but not a popular one in Wisconsin. Mrs. Gennrich asked if the site was a prior converted wetland? Mr. Mace said he was unsure and would have to consult maps back at the office. Mrs. Gennrich asked if it was allowed to be developed? Ms. Moore answered, the Army Corps of Engineers (ACOE) would have to visit the site and determine if it is currently considered a wetland, and if so, would wetland permits from the Department of Natural Resources (DNR) be necessary. Mr. Mace said Ms. Thompson, wetland specialist, identified some wetlands on the site and the DNR and the ACOE have accepted Ms. Thompson's interpretations. Mrs. Gennrich said if the land is farmed, it does not support wetland vegetation. She added that she didn't like the idea of homes being placed in a prior converted wetland. Mrs. Haukohl agreed. Mrs. Gennrich said if the Commission sends the matter back to the Town, the Commission would be asking the Town to change its Ordinance so a basement cannot be built unless it is out of the groundwater, and if fill is allowed it must be within 20' of the proposed residence. The Commission would not restrict homes from being built in the hydric soils. Mr. Mace said "Correct". It cannot be done presently, based on their Ordinance.

Mr. Kolb said the main issue is Condition No. 8, regarding the high water level and potential water in basements of homes constructed on the property. Mrs. Haukohl asked if it could be suggested to the Town for them to incorporate a condition for grouping the septic? Mr. Kolb replied, that he could not support that condition because A+4 systems are legal by State standards. Mr. Mace said the staff's main concern is that the basements would be subject to high groundwater conditions. Mrs. Gennrich suggested the Land Use Plan should be looked at to place development out of high groundwater areas. Mr. Mace reiterated that the staff cannot support creating lots and building sites, which may become future problems for the residents.

Mr. Stigler from Jahnke & Jahnke, responded to Mr. Mace's comments. The project was before the Waukesha County Development Review Committee and Mr. Radomski from Environmental Health earmarked the lots in which there were concerns. Both sets of tests done on those lots have passed. He noted that Mr. Radomski is opposed to Mr. Mace's comments because logistically if the lots are not occupied (adjacent to each other), how can the group system be joined? If a mound would fail how would the repairs be made? He noted that he felt Mr. Radomski was more comfortable with A+4 systems. If a community system was created, the Town of Summit would have to form a sanitary district. The Town Planner had indicated, that type of approach was denied earlier on another development. He added, a Grading Plan is being developed to keep the basements above the groundwater. The Town Master Plan and County Development Plan shows the area as residential. The Town's Code, Section 3.05(C) states that filling, grading or altering of existing topography shall be allowed which does not alter the topography in a way, which would adversely affect the surrounding land. In making such a determination, the Building Inspector shall have the authority to determine the effect of the construction. Mr. Stigler said at the Town's direction they are developing a Master Grading Plan for the entire site. He indicated, the lots would be clustered where the good soils are located on the property. According to the Town's formula for a conservancy development, 29 home sites are allowed and 27 home sites are being proposed as acceptable systems.

Mr. Mace responded to Mr. Stigler's comments. The group septic system, which Mr. Stigler submitted was nothing more than removing one or two lots as home sites and showing five to seven individual mounds on each of the lots for individual homes, it was not a grouped system. Those plans were reviewed by Mr. Radomski and himself and were found to be unacceptable. The plan for a group system was not provided as had been suggested to Mr. Stigler. Individual and separate mound systems on one or two lots was not an acceptable solution. Mr. Stigler's statement regarding the clustering of the lots where the good soils were located is not true. Some of the lots are in soils, which have

groundwater at four to eight inches below the ground surface. Mr. Mace indicated he was not opposed to areas being filled to get the home sites high enough, however, there is nothing in the Town's Ordinance, which guarantees or requires it, which is why he is suggesting for the Town to revise their amendment. Mr. Stigler said that Herr Environmental indicated that if there is more than one user for group mounds it requires that each mound be 150% larger, which would have caused more developable land to be taken out of the home sites. Mr. Mace said it would have resulted in more area where the groundwater was 24+ inches below the ground surface and did not imply that Mr. Stigler would have to take a cut in homes. He said the number of lots was not the issue and understood that the Town supported one-acre lots.

Mr. Kolb asked who would own the system if more than one property was utilizing it? Mr. Stigler replied, the individuals who are on the system. Mr. Kolb expressed concerns (from past history) that it would invite trouble. He thought that separate systems or one community system with a mini sanitary district would work better. Mrs. Gennrich asked if the wetlands were counted as part of the density requirements? Mr. Mace replied "No". Mrs. Gennrich said since the hydric soils were not considered to be wetlands, were they counted toward the density? Mr. Stigler replied "Yes". Mrs. Gennrich noted that Mr. Stigler mentioned earlier that the Town would not be interested in creating a sanitary district. She asked if he had approached the Town regarding the subject? Mr. Stigler replied "Yes", and added that Mr. Mace attended the meeting. Mr. Mace corrected Mr. Stigler and noted the Town Board was not asked, rather Mr. Stigler asked Mr. Elling, the Town Planner who did not think the Town would go along with the request. Mr. Siepmann, who was present in the audience and is a Town Plan Commissioner, said the issue had been mentioned to the Town of Summit previously for the Genesee Lake Project and the Town was supportive of the idea. However, the project would have been delayed and the Developer did not want to go ahead which contradicted Mr. Stigler's earlier statements.

Mrs. Haukohl would like to see the project more creatively done so the sanitary district idea could be addressed. Mrs. Gennrich said the Commission could recommend in their motion, the possibility of a sanitary district and discuss it with the Developer. Mrs. Haukohl and Mrs. Gennrich expressed concerns and said they could not support the rezone because it may not be an appropriate site for this type of development.

After discussion, Mr. Hamilton moved, seconded by Mr. Baade and carried unanimously, for the matter to be held in abeyance and the rezoning amendment be returned to the Town for further study and consideration in accordance with the "Staff Report and Recommendation". In addition, the Planning and Zoning Division Staff will correspond with the Town and petitioner indicating the Commission's concerns regarding the need to consider changes to the Land Use Plan to identify the high groundwater areas in the Town and consider amendments.

• **SCZ-1538 (Siepmann Realty Corporation) Town of Oconomowoc, Section 24 (A-T Agricultural Land Preservation Transition District to the R-3 Residential District)**

Mr. Mace presented the "Staff Report and Recommendation" dated July 22, 2004, and made a part of these Minutes. He pointed out the location of the property on the aerial photograph.

Mr. Mace indicated the property is located on the southeast corner of C.T.H. "K" and Road "J", on the north end of Okauchee Lake (Whittaker's Bay) in the Town of Oconomowoc. There have been recent discussions on whether all of Road "J" is a public road or not. Mr. Siepmann, Siepmann Realty Corporation, presented a layout plan to the Commission showing the locations of proposed lots and outlots. He explained, the property is 18.23 acres in size and will contain 12 residential lots, approximately one acre in size, zoned in the R-3 category. Mrs. Haukohl asked if a 30' view corridor is allowed and would access to the lake be through that corridor? Ms. Moore replied that NR 115 allows

the 30' view corridor. Mr. Siepmann noted that each lot would have a 30' view corridor strip. Mrs. Haukohl asked if the steep sloped area along the lake would be protected during construction? Mr. Siepmann responded, "Yes", and there will be specific Deed Restrictions. Mr. Hamilton asked if any earth altering or grading activity has taken place on the property in the past? Mr. Klink, property owner answered "No".

After discussion, Mr. Kolb moved, seconded by Mrs. Haukohl and carried unanimously, for approval, as conditioned, in accordance with the "Staff Report and Recommendation". The approval of this request, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.

Mrs. Pinter, nearby property owner, expressed concerns regarding habitat being destroyed, lots being cleared and stripped of all trees, access to the lots from Road "J" (private road) and traffic concerns. She would like to see a more in-depth study of the area regarding wildlife, water and land. In addition, she felt larger lot sizes and fewer homes are needed. Mr. Siepmann said Road "J" is a mill tax road and Condition No. 7 refers to the status of Road "J". There are some issues which need to be resolved between the Town Plan Commission, the Planning and Zoning Division staff and the Town Attorney concerning Road "J". Mrs. Pinter said in 1954, Road "J" was a private road and the Road "J" Association gave the Town of Oconomowoc the west end and created Oakdale Road. However, the east end was still private as is the rest of the road. Mr. Baade said there has been an effort by the Town to take over Road "J" in some areas, however, half the residents approve but the other half doesn't. Mr. Mace asked about the Town's effort? Mr. Baade replied, the matter has been discussed at the Plan Commission several times. Some residents do not wish to give up a small amount of their land for the right-of-way. Mr. Mace said the landowners do not have to agree for the Town to deem the road public and take it over as a Town Road. The Town needs to take an action. He asked what action the Town has taken? Mr. Baade answered, the Town wishes to go along with what the citizens want. Mr. Mace said from a land use standpoint, he would encourage the Town Board to take over Road "J".

Mrs. Gennrich asked, who enforces the 30' of vegetative removal? Mr. Siepmann answered, "Deed Restrictions, neighbors and the County, if a complaint is made". Mrs. Gennrich expressed concerns that fines for tree cutting violations along the lakes need to be more substantial. She noted that Mrs. Pinter could contact Mr. Reed, biologist from the Southeastern Wisconsin Regional Planning Commission, for a copy of the Primary Environmental Corridor (PEC) delineation report, which includes the wildlife and habitat study completed for the property. Mr. Mace pointed out the Town of Oconomowoc Planner requested the delineation on June 18, 2004, however, it has not been completed as of this date.

Mrs. Gennrich said Mrs. Pinter is extremely fortunate to have Mr. Siepmann as the developer of this property. She commended his reputation as a high quality developer. Mrs. Pinter asked if any of the thirteen, 75' to 100' trees along Road "J" for access to some of the lots would be removed? Mr. Siepmann replied (referring to the proposed Development Plan) that all of trees would stay. The only thing which could affect any of the trees is if the Town asks for any different improvements of Road "J". Mr. Sell, homebuilder, said that most developers do a poor job developing the land and maintaining the land through the development process. Siepmann Realty does high quality developments with the main focus on preserving the land. The Commission agreed.

The motion stands, for approval as noted above.

• **CU-1380 (H. James and Sons, Inc./WI DOT) Town of Oconomowoc, Section 19**

Mr. Mace presented the “Staff Report and Recommendation” dated July 22, 2004, and made a part of these Minutes. He pointed out the location of the property on the aerial photograph and stated the petitioner is requesting a Conditional Use Permit for the disposal of excess excavation material from the construction of the S.T. H. 16 bypass project.

Mr. Mace indicated the property is located south of Lang Road and east of Saeger Road near the Village of Lac La Belle. The property is owned by the Wisconsin Department of Transportation (DOT) and is a fill site for the S.T.H. 16 bypass project. He explained, the petitioner is filling from the north to the south creating an elevated area, which will be leveled out. Mrs. Haukohl asked “What is being created?” Mr. Mace replied, “A fairly level, elevated site, 20’ high on the south side”. Mr. Hamilton asked what type of use will the land have? Mr. Mace responded, that he was unsure, however, the State will retain ownership of the property. Mrs. Gennrich asked if erosion control measures would be followed? Mr. Mace answered, that a Memorandum of Understanding between the DOT and the DNR exists and they will follow the DNR guidelines which the County’s Ordinance is based on. These types of projects are exempt from local review authority. Mrs. Haukohl expressed concerns with the DNR monitoring a project such as this. Mr. Hamilton asked when the current zoning of P-I Public and Institutional District went into effect? Mr. Mace replied that he was unsure. Mr. Baade said it may have been when the last Master Plan was completed, approximately five years ago. Mr. Hamilton said that since the property is zoned P-I Public and Institutional District and has substantial fill, do any of the conditions relate to the future uses allowed on the property (ie. if the property is sold)? Mr. Mace replied, “No”. However the Conditional Use is only good for the project. Mrs. Gennrich said that building on fill is allowed. Mr. Hamilton asked what types of uses are allowed in the P-I Public and Institutional District? Mr. Mace replied, “Schools, churches, government office buildings, hospitals, etc.” Mr. Hamilton asked, if the land is eventually sold, could a hospital be built on the property without a zoning change? Mr. Mace answered, “Yes”.

After discussion, Mrs. Gennrich moved, seconded by Mr. Kolb and carried unanimously, for approval, as conditioned, in accordance with the “Staff Report and Recommendation”. The approval of this request, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.

• **CU-573B (H. James and Sons, Inc./Alan and Ken Runyard/WI DOT) Town of Oconomowoc, Section 18**

Mr. Mace presented the “Staff Report and Recommendation” dated July 22, 2004, and made a part of these Minutes. He pointed out the location of the property on the aerial photograph and stated the petitioner is requesting a Conditional Use Permit for the disposal of excess excavation material from the construction of the S.T.H. 16 bypass project and an unspecified Conditional Use for the crushing of material to be used as crushed aggregate base course for the DOT project.

Mr. Mace indicated the property is located on the north side of Lang Road, west of Pennsylvania Street in the Town of Oconomowoc. Mrs. Gennrich asked if a river runs through the property? Mr. Mace replied, “No”. Materials excavated from the road cut for the highway would be crushed and used as crushed aggregate for the base course for the S.T.H. 16 bypass project. All excess materials would be used for fill in the proposed fill location on the two properties. Mr. Kolb asked why the large pothole on the property would not be filled in? Mr. Mace replied, that the retention basin round pothole exists at the present time and would become deeper (25’ deep) to control runoff on the remainder areas of the Runyard property. Mr. Peterson, from H. James and Sons, noted that the pothole would not be filled in because it is considered a wetland by the DNR.

After discussion, Mr. Kolb moved, seconded by Mrs. Haukohl and carried unanimously, for approval, as conditioned, in accordance with the “Staff Report and Recommendation”. The approval of this request, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.

- **SCU-1375 (Robert Sell-Nantucket Home Builders, Inc.) Town of Oconomowoc, Section 8**

Mr. Mace presented the “Staff Report and Recommendation” dated July 22, 2004, and made a part of these Minutes. He pointed out the location of the property on the aerial photograph and stated the petitioner is requesting a Conditional Use Permit to permit earth-altering activities and retain a landscaping berm in conjunction with a proposed land division.

Mr. Mace indicated the property was recently rezoned to the R-2 Residential District. The petitioner is proposing a small pond and earth berms to accommodate a future four-lot subdivision. Three of the parcels would obtain access from Blue River Pass and the remainder lot would have access from Main Street. There were concerns regarding a drainage ditch on Blue River Pass, which was not allowed to be built because the previous property owner would not allow the ditch on his property. The Town Engineer is now requiring the ditch be slightly modified to meet standards so it can accommodate the drainage from the front of the new parcels. The majority of the drainage would go to the east, be intercepted by a shallow surface water drainage easement then piped to a newly build pond. Drainage from the pond will not occur along Blue River Pass but rather it will accept water from a new ditch built by the petitioner to said pond. In addition, a topsoil pile would be used for finish work around the proposed homes.

After discussion, Mrs. Haukohl moved, seconded by Mr. Baade and carried unanimously, for approval, as conditioned, in accordance with the “Staff Report and Recommendation”. The approval of this request, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.

- **CU-1347A (James Peterson Sons, Inc./James and Catherine Hansen) Town of Oconomowoc, Section 21**

Mr. Mace presented the “Staff Memorandum” dated July 22, 2004, and made a part of these Minutes. He pointed out the location of the property on the aerial photograph and stated the petitioner is requesting a Conditional Use Permit for the removal of clay material and topsoil for the Department of Transportation S.T.H. 16 bypass project.

Mr. Mace indicated the property is located east of the intersection of S.T.H. 67 and C.T.H. “K”. On September 25, 2003, the Park and Planning Commission approved a Conditional Use Permit for the removal of clay material from the Hansen property for the construction of detention ponds in conjunction with the S.T.H. 16 bypass. The Town of Oconomowoc approved the request on September 2, 2003, subject to a number of conditions. Because the Conditional Use Permit expired on November 30, 2003, and no time extensions were requested, the petitioner has reapplied as the project had not been completed by that date and a new hearing took place on July 15, 2004. On July 20, 2004, the Town Plan Commission voted in favor of granting the Conditional Use Permit subject to a number of conditions. The Planning and Zoning Division staff is recommending to extend the expiration date to November 30, 2005.

After discussion, Mr. Baade moved, seconded by Mr. Kolb and carried unanimously, for approval, as conditioned, in accordance with the “Staff Memorandum”. The approval of this request, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.

- **SCU-239E (Curtis and Vickie Steele/Little Dumpling Preschool and Daycare) Town of Oconomowoc, Sec. 28**

Mr. Mace presented the “Staff Report and Recommendation” dated July 22, 2004, and made a part of these Minutes. He pointed out the location of the property on the aerial photograph and stated the petitioner is requesting a Conditional Use Permit for a preschool and child daycare center.

Mr. Mace indicated the property is located on the east side of S.T.H. 67 and would occupy the former Alliance Bible Church. The petitioners are proposing to operate a licensed preschool and daycare center. Mr. Baade expressed concerns regarding the existing septic system and if it could accommodate the additional usage. Mr. Mace explained that Condition No. 10 of the Town of Oconomowoc Planner’s recommendation addresses the septic issue.

After discussion, Mrs. Haukohl moved, seconded by Mrs. Gennrich and carried unanimously, for approval, as conditioned, in accordance with the “Staff Report and Recommendation”. The approval of this request, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.

- **PO-04-OCOT-20 (Curtis and Vickie Steele/Little Dumpling Preschool and Daycare) Town of Oconomowoc, Section 28**

Mr. Mace presented the “Staff Report and Recommendation” dated July 22, 2004, and made a part of these Minutes. He pointed out the location of the property on the aerial photograph and stated the petitioner is requesting a Plan of Operation Permit for a preschool and child daycare center.

Mr. Mace indicated the matter is related to the previous Conditional Use request SCU-239E.

Mrs. Haukohl moved, seconded by Mrs. Gennrich and carried unanimously, for approval, as conditioned, in accordance with the “Staff Report and Recommendation”. The approval of this request, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.

- **CU-89E (Kettle Moraine Golf Club, Inc.) Town of Ottawa, Sections 21 and 22**

Mr. Mace presented the “Staff Report and Recommendation” dated July 22, 2004, and made a part of these Minutes. He pointed out the location of the property on the aerial photograph and stated the petitioner is requesting a Conditional Use Permit for an after-the-fact request for the golf course to sell a pre-existing CSM lot to a private individual who constructed a single-family residence on the property in 2002, thus reducing the size of the land the golf course is located on.

Mr. Mace indicated the golf course property is located in Section 21 of the Town of Ottawa and the residential property is located in Section 22 of the Town of Ottawa, south of the 18th hole of the golf course. The lot in question was a vacant parcel with no golf course uses on it. The property was sold to Mr. Cranker in 2001 and a single-family residence was constructed. The matter was brought to the attention of the owner and he has applied for an amendment to the existing Conditional Use to reduce the size of the golf course property.

After discussion, Mr. Hamilton moved, seconded by Mrs. Gennrich and carried unanimously, for approval, as conditioned, in accordance with the “Staff Report and Recommendation”. The approval of this request, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.

- **SCU-1379 (Dan Balistreri) Town of Ottawa, Section 14**

Mr. Mace presented the “Staff Report and Recommendation” dated July 22, 2004, and made a part of these Minutes. He pointed out the location of the property on the aerial photograph and stated the petitioner is requesting a Conditional Use Permit for an in-law unit.

Mr. Mace indicated the property is located on C.T.H. “D” in the Town of Ottawa. He explained that approval is subject to the petitioner filing a Deed Restriction in the Waukesha County Register of Deed’s office, stating that the in-law unit is to be occupied only by persons related by blood or marriage to the family occupying the principal unit and the Conditional Use is not transferable without approval of the Town of Ottawa Plan Commission and the Waukesha County Park and Planning Commission.

After discussion, Mr. Hamilton moved, seconded by Mr. Kolb and carried unanimously, for approval, as conditioned, in accordance with the “Staff Report and Recommendation”. The approval of this request, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.

- **PO-04-OTWT-04 (Dan Balistreri) Town of Ottawa, Section 14**

Mr. Mace presented the “Staff Report and Recommendation” dated July 22, 2004, and made a part of these Minutes. He pointed out the location of the property on the aerial photograph and stated the petitioner is requesting a Plan of Operation Permit for an in-law unit.

Mr. Mace indicated the matter is related to the previous Conditional Use request SCU-1379.

After discussion, Mrs. Gennrich moved, seconded by Mr. Baade and carried unanimously, for approval, as conditioned, in accordance with the “Staff Report and Recommendation”. The approval of this request, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.

- **PO-04-OCOT-19 (All-Ways Special) Town of Oconomowoc, Section 26**

Mr. Mace presented the “Staff Report and Recommendation” dated July 22, 2004, and made a part of these Minutes. He pointed out the location of the property on the aerial photograph and stated the petitioner is requesting a Plan of Operation Permit to operate a retail store for home garden and gift items.

Mr. Mace indicated the property is located on Brown Street in the Town of Oconomowoc. The store would occupy approximately 1,841 sq. ft. of tenant space in the plaza. The petitioner is proposing a 2’ x 10’ sign, which would be attached to the building. Mrs. Gennrich thought the retail store was a good use for the multi-tenant plaza.

After discussion, Mrs. Gennrich moved, seconded by Mrs. Haukohl and carried unanimously, for approval, as conditioned, in accordance with the “Staff Report and Recommendation”. The approval of this request, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.

- **PO-04-OCOT-17 (Dock of the Bay) Town of Oconomowoc, Sections 35 and 36**

Mr. Mace presented the “Staff Report and Recommendation” dated July 22, 2004, and made a part of these Minutes. He pointed out the location of the property on the aerial photograph and stated the petitioner is requesting a Plan of Operation Permit to allow special events to include live music and/or karaoke every Wednesday and weekday holidays.

Mr. Mace indicated the property is located on Wisconsin Avenue in the Town of Oconomowoc. The Town Planner recommended live music and/or karaoke Friday or Saturday night from 9:00 p.m. to midnight, a maximum of “three times per month”, from 8:00 p.m. to 11:00 p.m. on Wednesday evenings, and from 9:00 p.m. to midnight on major holidays. The Town of Oconomowoc Plan Commission approved the request to permit additional live music and/or karaoke a maximum of five times per month with further conditions outlined in the Town Planner’s report dated July 19, 2004. It was clarified to the Commission that the Town of Oconomowoc Plan Commission omitted the wording “three times per month” from the Town Planner’s report and changed it to “five times per month”.

After discussion, Mrs. Haukohl moved, seconded by Mrs. Gennrich and carried unanimously, for approval, as conditioned, in accordance with the “Staff Report and Recommendation”. The approval of this request, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.

• **PO-04-GNT-27 (CJ Express, Inc.) Town of Genesee, Section 22**

Mr. Mace presented the “Staff Report and Recommendation” dated July 22, 2004, and made a part of these Minutes. He pointed out the location of the property on the aerial photograph and stated the petitioner is requesting a Plan of Operation Permit to amend an existing Site Plan/Plan of Operation for the storage of semi tractors and trailers.

Mr. Mace indicated the property is located on Wern Way in the Town of Genesee. Chairperson Willert asked if screening of the dumpster and additional landscaping had been completed? Mr. Gean replied, the dumpster is now located in between the buildings. Chairperson Willert asked if it was screened? Mr. Gean responded, that it is screened by the buildings. Mrs. Gennrich noted the “Staff Report and Recommendation” states the owner has not complied with all conditions of the previous Site Plan/Plan of Operation approved on April 3, 2003. Mr. Gean asked, “What conditions have not been complied with?” Mrs. Haukohl replied, “Screening of the dumpster and additional landscaping.” Mr. Mace said the dumpster issue has been resolved. Mr. Gean said they have until November 1, 2004 to complete the screening (planting) on the east end of the property. He and Mr. Herrmann (Town Planner) need to discuss the location of the landscaping because of the railroad crossing. He added, the grading done on the property was done by Mr. Parchem (neighboring property owner) without his permission in the back. Mr. Parchem illegally dredged the existing ditch to maintain positive drainage. He has correspondence dated March 3, 2004, from Mr. Barrows, Senior Conservation Specialist, stating that the Land Resources Division has viewed the grading activities which occurred on the site and the issue has been resolved. Mr. Mace reviewed the correspondence, which stated the petitioner needed to apply for an after-the-fact permit. Mr. Gean asked what type of permit he needed? Mr. Mace responded, a Grading Permit and a Stormwater and Erosion Control Permit. Mr. Gean reiterated that he did not do the grading, it was done illegally by Mr. Parchem. Mr. Mace said, it was done on your property and you are ultimately responsible for it. Mr. Gean said he had spoke with both Mr. Barrows and Ms. Barrows and they told him everything was fine on the property as far as the illegal grading.

Mr. Mace asked if Mr. Barrows could be brought into the meeting? The Commission agreed, and went on to the next matter on the agenda.

• **PO-04-GNT-21 (Dahm's Precision Manufacturing) Town of Genesee, Section 27**

Mr. Mace presented the “Staff Memorandum” dated July 22, 2004, and made a part of these Minutes. He pointed out the location of the property on the aerial photograph and stated the petitioner is requesting a Plan of Operation Permit for an after-the-fact general purpose machine shop (matter tabled from the June 3, 2004, Commission meeting).

Mrs. Haukohl moved, seconded by Mrs. Gennrich and carried unanimously, for approval to bring the matter back to the table.

Mr. Mace indicated the matter had previously been on the June 3, 2004, Park and Planning Commission meeting agenda. The Commission tabled the matter in accordance with the provisions of Section 15.04 (1)(B) of the Waukesha County Zoning Code, whereby the Town of Genesee Plan Commission needed to make a determination of whether the use, as proposed, is similar to other B-3 permitted uses and if it would be allowed or denied. The Town of Genesee Plan Commission, at their meeting of June 28, 2004, decided that the proposed use does not comply with the existing zoning and denied the request. The Planning and Zoning Division Staff stands by its recommendation of denial of the request because the proposed machining operation is not consistent with the B-3 General Business District.

After a brief discussion, Mrs. Haukohl moved, seconded by Mrs. Gennrich and carried unanimously, for denial of the use in accordance with the "Staff Memorandum".

• **PO-04-GNT-29 (Pak Mail) Town of Genesee, Section 27**

Mr. Mace presented the "Staff Report and Recommendation" dated July 22, 2004, and made a part of these Minutes. He pointed out the location of the property on the aerial photograph and stated the petitioner is requesting a Plan of Operation Permit for retail office and storage space for a custom packaging and shipping business.

Mr. Mace indicated the property is located in the multi-tenant plaza on S.T.H. 59 in the Town of Genesee. The proposed business will specialize in custom packaging and shipping and will be served by Fed Ex, UPS, USPS and DHL freight. Mail boxes will be available to rent and fax, copying and Notary Public services will be offered. He noted the use is consistent with the B-3 zoning district.

After discussion, Mrs. Haukohl moved, seconded by Mr. Kolb and carried unanimously, for approval, as conditioned, in accordance with the "Staff Report and Recommendation". The approval of this request, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.

• **(Scott Schulenburg) Town of Merton, Section 36**

Mr. Mace presented the "Staff Memorandum" dated July 22, 2004, and made a part of these Minutes. He pointed out the location of the property on the aerial photograph and stated the petitioner is requesting approval for retaining walls within 5 ft. of the lot line.

Mr. Mace indicated the property is located on Road "O" in the Town of Merton. The petitioner is requesting to replace the 124' long retaining wall on the north property line. The Waukesha County Land Resources Division inspected the property and the existing retaining wall. It was determined that an approximate 48' section of the wall is falling apart and if it is not replaced would collapse. However, the remaining 76' of the wall could be replaced through vegetative means. Mrs. Haukohl asked if that should be conditioned? Mr. Mace answered "Yes". Mrs. Haukohl suggested that a sentence be added to Condition No. 2 stating that the 76' of the remaining wall be replaced through vegetative means.

Mr. Hoffkins, from Createscapes, said the portion of the retaining wall (referred to above) along the driveway is treacherous, especially during the winter. The petitioner wishes to widen the driveway from 7.5' to 9' wide. He explained, it is not so much a wall in that area but more like riprap. The intent is to narrow it down and replace the current white sandstone with a better quality colored fieldstone. Mr. Mace suggested, using a colored crushed granite stone with plant material. Mr. Hoffkins said he thought it could be incorporated. There was a lengthy discussion regarding different plant materials

which could be utilized to soften the appearance of the stone. Mr. Hoffkins agreed, and added that the previous owner of the property constructed the wall along the residence improperly with a hodgepodge of different materials. The wall would be replaced correctly to make is structurally sound.

After discussion, Mrs. Haukohl moved, seconded by Mr. Baade and carried unanimously, for approval, as conditioned, in accordance with the “Staff Memorandum” with the additional wording added to Condition No. 2 which will now read:

- 2. Only that portion of the retaining wall, approximately 48 ft. long and running along the north side of the residence, shall be replaced. The 76’ of remaining wall shall be replaced through vegetative means to soften the appearance of the area.*

The approval of this request, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.

- **PO-04-GNT-27 (CJ Express, Inc.) Town of Genesee, Section 22**

(Discussion continued)

Mr. Barrows, Senior Conservation Specialist, arrived at the meeting.

Mr. Mace asked Mr. Barrows if the petitioner needs to obtain a permit for the illegal grading done by Mr. Parchem? Mr. Barrows answered, the site condition issue has been resolved and as a result of the illegal grading, nothing is leaving the site. He originally asked for an after-the-fact permit from Mr. Parchem, however, he did not respond to Mr. Barrow’s request. He did not feel it was necessary to penalize Mr. Gean for an after-the-fact Erosion Control Permit for work he did not complete. Mr. Hamilton asked if it was stabilized? Mr. Barrows replied, “Yes”, but not with the most desirable vegetation (garlic mustard and scrub). Mr. Mace suggested the area could be planted with clover or a state highway mix. Mr. Gean said he would try to take care of the garlic mustard. Mr. Barrows cautioned Mr. Gean that any further excavation activities would be highly scrutinized.

After discussion, Mr. Hamilton moved, seconded by Mrs. Haukohl and carried unanimously, for approval, as conditioned, in accordance with the “Staff Report and Recommendation”. The approval of this request, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.

- **PO-04-GNT-28 (Equiptech, Inc.) Town of Genesee, Section 22**

Mr. Mace presented the “Staff Report and Recommendation” dated July 22, 2004, and made a part of these Minutes. He pointed out the location of the property on the aerial photograph and stated the petitioner is requesting a Plan of Operation Permit to amend the existing Site Plan/Plan of Operation for the repairing of farm trucks and equipment.

Mr. Mace indicated the property was located on Wern Way in the Town of Genesee. Mr. Gean asked if the 6’ x 10’ wall sign for Cory’s Repair was approved at the July 8, 2004, Commission? Mrs. Gennrich replied as long as the matter was approved and it was mentioned in the “Staff Report and Recommendation” it should be approved. Mr. Gean noted the sign issue was not specifically discussed and he wanted to make sure he had approvals for the sign. Mr. Mace said he would add a statement to the Equiptech, Inc. “Staff Report and Recommendation” regarding the 6’ x 10’ wall sign. Mrs. Gennrich asked about the unresolved additional landscaping? Mr. Mace said it would follow the same requirements as C.J. Express.

After discussion, Mrs. Haukohl moved, seconded by Mrs. Gennrich and carried unanimously, for approval, as conditioned, in accordance with the “Staff Report and Recommendation”. The approval of this request, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.

- **Report of Nominating Committee and Election of Officers**

The report of the Nominating Committee is as follows:

Mr. Baade, Chairperson
Mrs. Kipp, Vice Chairperson
Mrs. Gennrich, Secretary

There were no other nominations from the floor.

Mrs. Haukohl moved, seconded by Mrs. Gennrich and carried unanimously to accept the report of the Nominating Committee.

- **CLOSED SESSION - (Rainbow Springs) Town of Mukwonago, Sections 31 and 32**

Motion to convene in closed session pursuant to Section 19.85 (1) (g), Wisconsin Statutes, to confer with Attorney Deborah Price of the Corporation Counsel’s office to discuss the appeal of, Rainbow Springs Golf Club vs. Waukesha County, Circuit Court Cases No. 03-CV-1628 and 03-CV-2779 and Appellate Court Case No. 04-1770.

Mrs. Gennrich moved, seconded by Mr. Baade and carried unanimously to go into Closed Session at 3:55 p.m.

Discussion ensued in closed session.

Mrs. Gennrich moved, seconded by Mrs. Haukohl and carried unanimously to come out of Closed Session at 4:10 p.m.

There being no further business to come before the Commission, Mr. Baade moved, seconded by Mr. Kolb to adjourn at 4:10 p.m.

Respectfully submitted,

Mareth Kipp
Secretary

MK:kb